IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.20128 of 2008
INDRESH KUMAR
Versus
THE STATE OF BIHAR

04- 28.8.2008 Heard Mr. Ram Briksh Singh Pahepuri for the petitioner, and Mr. Atul Chandra, learned APP. The petitioner seeks bail in Sessions Trial no.872 of 2007 arising out of Tajpur (Halai) PS Case No.258 of 2007 under Sections 448, 328, and 302 of the Indian Penal Code.

2. While pressing this application, learned counsel for the petitioner submits that the prosecution case is improbable, inasmuch it is normally not possible to administer poison in the manner alleged in the F.I.R. in presence of the son of the deceased and there would be no résistance from either or both. He also submits that he is in custody since 4.8.2007.

WEB COPY NOT OFFICIAL

3. Learned APP opposes the prayer and submits that the son of the deceased in paragraph 7 and two other witnesses in paragraphs 8 and 11 of the case diary have stated that the petitioner had administered poison to the deceased. In his submission, the son was in fact present and is an eye-witness.

4. I have perused the materials on record and considered the submissions of learned counsel for the parties. In the facts and circumstances of the case, the petitioner, namely, Indresh Kumar, shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur, in

connection with Sessions Trial No.872 of 2007, arising out of Tajpur (Halai) PS Case No.258 of 2007.

(S K Katriar)

mrl

WEB COPY NOT OFFICIAL